

Owner:	Nelley Family Limited Partnership, LLLP
Applicant:	W.K.R. Investments, Inc./White-Daters and Associates
Location:	Southeast corner of S. Shackleford Road and West 36 th Street
Area:	15.8215 Acres
Request:	Rezone from R-2 to MF-24
Purpose:	Future multifamily development
Existing Use:	Undeveloped

SURROUNDING LAND USE AND ZONING

North – Multifamily development, commercial use and undeveloped property (across West 36th Street); zoned MF-12, PCD and O-3

South – Mobile home park; zoned R-2

East – Church facility and single family residences; zoned R-2

West – Undeveloped property and single family residence on large lot (across S. Shackleford Road); zoned R-2

A. PUBLIC WORKS COMMENTS:

1. Shackleford Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required. Per the Master Street Plan at arterial/arterial intersections an additional 10 ft. right-of-way is required to be dedicated for a right turn lane. The dedication should be 250 ft. in length measured from the intersecting right-of-way. At such intersections, the intersecting right-of-way line shall normally have a radius of 75 to 100 ft.
2. 36th Street is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.

3. Staff is being told the 2007 FEMA floodmaps will become effective in early 2015. Show the floodplain delineations from the 2007 FEMA floodmaps on the proposed plan.
4. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25 foot wide drainage and access easement is required adjacent to the floodway boundary.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is located on a CATA Bus Route #14 (Rosedale Route).

C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site and the John Barrow, Kensington Place and Westbrook Neighborhood Associations were notified of the public hearing.

D. LAND USE ELEMENT:

This request is located in the I-430 Planning District. The Land Use Plan shows Residential High Density (RH) for this property. The Residential High Density category accommodates residential development of more than twelve (12) dwelling units per acre. The applicant has applied for a rezoning from R-2 (Single Family District) to MF24 (Multifamily District 24 units per acre) to allow for the future multifamily development of the site.

Master Street Plan:

36th Street and Shackleford Road are shown as Minor Arterials on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on 36th Street and Shackleford Road since they are both Minor Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

BICYCLE PLAN:

A Class II Bike Lanes are shown along Shackleford Road and 36th Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

E. STAFF ANALYSIS:

Nelley Family Limited Partnership, LLLP, owner of the 15.8215 acre property located at the southeast corner of S. Shackleford Road and West 36th Street, is

requesting to rezone the property from “R-2” Single Family District and MF-24” Multifamily District. The rezoning is proposed to allow future multifamily development.

The property is currently undeveloped and tree-covered. The property has varying degrees of slope. A creek runs along the property’s south property line.

The property is in an area of mixed uses and zoning. A multifamily development (zoned MF-12), a small commercial use and undeveloped O-3 zoned property are located across West 36th Street to the north. A large mobile home park is located on the R-2 zoned property to the south. Undeveloped R-2 zoned property and a single family residence on a large tract are located to the west across S. Shackleford Road. Undeveloped MF-18 zoned property is located to the southwest. A church and single family residences are located on the R-2 zoned property to the east. Mixed commercial uses, zoned C-2, C-3, C-4 and PCD are located to the northwest along S. Shackleford Road.

The City’s Future Land Use Plan designates this property as Residential High Density. The requested MF-24 rezoning does not require an amendment to the plan.

Although the City’s Future Land Use Plan designates the property as RH, staff does not support the requested MF-24 zoning. Staff feels that MF-24 is too dense of a multifamily zoning for this general area. The zoning pattern in this area contains a lower density of multifamily zoning and use. There is an MF-12 zoned multifamily development to the north across West 36th Street. Undeveloped MF-18 zoned property is located on the west side of S. Shackleford Road, a short distance to the south. Additionally, the mobile home park to the south contains a density in the range of 12 units per acre. Staff could support MF-18 zoning for this property. Staff believes MF-18 density is a better option for this general area, while maintaining the RH Land Use Plan designation.

F. STAFF RECOMMENDATION:

Staff recommends denial of the requested MF-24 rezoning, as filed.

PLANNING COMMISSION ACTION:

(JULY 24, 2014)

The applicant was present. There was one (1) person present wishing to make a comment. Staff informed the Commission that the applicant had revised the application for a rezoning to MF-18 (instead of MF-24). Staff supported the MF-18 rezoning request, as revised.

Carolyn Heitman, of the John Barrow Neighborhood Association, briefly addressed the Commission prior to the vote on the Consent Agenda. She noted that she received late notice of the rezoning request. In response to a question from the Commission, staff noted that all notifications were completed in a timely manner as required. Ms. Heitman noted that the neighborhood association could meet with the applicant prior to the rezoning going to the Board of Directors.

The item was placed on the Consent Agenda and approved, as revised, by a vote of 10 ayes, 0 noes and 1 absent.